

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Mercken et al.
Title: N-11 Truncated Amyloid-Beta Monoclonal Antibodies,
Compositions, Methods And Uses
Appln. No.: 10/528,928
Filing Date: March 23, 2005
Examiner: Chang-Yu Wang
Art Unit: 1649
Confirmation No.: 4646

DECLARATION UNDER 37 C.F.R. § 1.131

I, Marc Mercken, a named inventor in the above-identified patent application declare that:

1. I have read and understand the rejections of claims 2, 6, 7, 15 and 16 under 35 U.S.C. §§ 102/103 in the September 18, 2008 Final Office Action. Specifically, I understand that the claims are rejected as allegedly being anticipated by or obvious over U.S. Patent No. 6,984,720 ("the '720 patent"). In particular, the Final Office Action asserts that the antibody CTLA-4 disclosed in the '720 patent as being produced by a hybridoma cell line designated 5C therein has the same property and function as the claimed monoclonal antibody to A β 11-15/17.
2. I and my co-inventors have developed the monoclonal antibodies and the hybridoma cells of the above-identified patent application. We developed hybridoma cells J&JPRD/hA β 11/1 (29B5) and J&JPRD/hA β 11/2 (5C4), which express the claimed monoclonal antibodies that specifically recognize A β 11-x peptides without cross-reacting with full length A β 1-40/42 peptide. We designated these cell lines 29B5 and 5C4, respectively, because of their physical locations on the hybridoma plate during the screening process.
3. I have reviewed and understand the '720 patent. I conclude that the hybridoma cell line designated 5C in the '720 patent, which produces antibodies specific to human T cell surface molecule CTLA-4 is different from the hybridoma cell line J&JPRD/hA β 11/2 (designated 5C in the present application), which produces the claimed monoclonal antibodies specific to A β 11-x peptide.
4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I further state that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

March 6, 2009

(Signature of Marc Mercken)